

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 10, 2009

DIVISION ONE

B198375 BCX International, Inc., U.S.A., et al. (Not for Publication)
 v.
 Merv York

The portion of the trial court's order filed on January 12, 2007, directing BCX to pay York the sum of \$118,584.95 is affirmed. Respondent to recover his costs of appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B207421 Man Kee Kwok et al. (Certified for Publication)
 v.
 Transnation Title Insurance Co.

The summary judgment in favor of respondent is affirmed. Respondent is entitled to costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B199682 People (Certified for Partial Publication)
v.
Zanoletti, et al.

Each judgment is modified as follows: (1) to strike the \$20 court security fees (§ 1465.8, subd. (a)(1)) and instead to impose a \$400 security fee on Alfonso and a \$760 security fee on Magdalena; (2) to impose a \$40,000 court surcharge (§1465.7, subd. (a)); (3) to impose a \$140,000 county penalty assessment (Gov. Code, § 76000); (4) to strike the \$20 DNA identification fund penalty assessment (Gov. Code, § 76104.7); and (5) to correct that the \$200,000 fine is an aggravated white collar crime fine (§ 186.11, subd. (c)) and not “restitution.”

The matter is remanded for determination by the trial court of (1) whether the state penalty assessment (§ 1464) and the state court facilities construction fund penalty (Gov. Code, § 70372) should be waived for each appellant due to hardship; (2) the appropriate amount of the DNA identification fund penalty assessment (Gov. Code, § 76104.6) to be imposed on each appellant; and (3) whether count 3 against Alfonso is time-barred (§ 803, subd. (e)).

Once the appropriate hearings are conducted, the trial court shall forward a corrected copy of the abstracts of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgments are affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (continued)

Each of the following:

B199555 People v. McCraw
B200246 People Hernandez
B207533 Children and Family Services v. K.T.

Argument waived, cause submitted.

B204613 People
 v.
 Venegas

Merits:

Argued by Alex Coolman for appellant and by Blythe J. Leszkay, deputy attorney general for respondent. Cause submitted.

B211985 G.S.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services, r.p.i.)

Merits:

Argued by Grace White for petitioner and by O. Raquel Ramirez, deputy county counsel for real party in interest and by Sophia Ali for minor. Cause submitted.

B197566 Shivers
 v.
 Perett

Merits:

Argued by Ronald A. Litz for respondent. No appearance by the appellant. Cause submitted.

DIVISION THREE (continued)

B205919 Elkman
 v.
 National States Insurance Company

Merits:
Argued by David Parisi for appellant and by James E. Gibbons for
respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy
Clerk.

B211075 Children and Family Services v. R.S., et al.

Argument waived, cause submitted.

B200624 People v. Phillips
B209824 In Re Lawrence Phillips on Habeas Corpus

Merits:
Argued by Lise M. Breakey for appellant/petitioner and by David F.
Glassman, deputy attorney general for respondent. Cause submitted.

B211881 Healthmarkets, Inc., et al.
 v.
 S.C.L.A.
 Harry Berman, et al.

Merits:
Argued by Fred Puglisi for petitioners and by D. Scott Mohny for real
parties in interest. Cause submitted.

DIVISION THREE (continued)

B204878 Superior Dispatch, Inc.
 v.
 Insurance Corporation of New York

Merits:
Argued by Daniel J. Koes for appellant and by Raul Martinez for
respondent. Cause submitted.

B204072 Baker, et al.
 v.
 Wiederschall

Merits:
Argued by Larry A. Rothstein for appellant and by Michael L. Justice for
respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B208308 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 J.A. et al.

The order terminatining parental rights is affirmed.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

February 10, 2009 (Continued)

DIVISION FOUR (continued)

B204331 Zhili (Not for Publication)
v.
Adaimy et al.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B201906 People (Not for Publication)
v.
Jimenez

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B206242 Goldman (Not for Publication)
v.
Professional Numismatists Guild, Inc.

The judgment is reversed. Appellant(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B204342 William Rohde (Not for Publication)

v.

Fleetwood Motor Homes of California, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B208758 Department of Children and Family Services (Not for Publication)

v.

B. H.

In re Alana S., a person coming under the juvenile court law.

The orders are affirmed.

Kriegler, J.

We concur: Turner, P.J.
Armstrong, J.

B207505 People (Not for Publication)

v.

Jimmy Rosendo

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
Armstrong, J.

February 10, 2009 (Continued)

DIVISION FIVE (continued)

[illegible]

Dismissed as abandoned.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B209007 Los Angeles County, D.C.F.S. (Not for Publication)
v.
E.N.
In re E.A., a person coming under the juvenile court law.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B202858 Justin Ringgold-Lockart
v.
Myer Sankary

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (continued)

B194465 People v. Godoy

Oral argument continued to March, 2009.

B209096 People v. Velarde

Oral argument ordered off calendar.

Each of the following:

B200387 People v. Cervantes
B200642 People v. LeBlue
B201821 People v. Arellano
B201989 People v. White, Farmer, and Stephens
B203195 People v. Uribe
B203578 People v. Ruiz
B203982 People v. McIntyre
B205522 People v. Smith
B206158 People v. Robinson
B206246 People v. M.H.
B206622 People v. Elias
B207286 People v. Dill
B207937 People v. Lee
B209459 People v. White
B209746 People v. Garcia

Argument waived, cause submitted.

B203553 People
 v.
 Castro, Morales and Gardea

Merits:

Argued by Susan B. Lascher for appellant Castro and by Richard S. Moskowitz, Deputy Attorney General, for respondent via video conference. Argument previously waived by appellant Morales and appellant Gardea. Cause submitted.

DIVISION SIX (continued)

B199699 People
 v.
 Williams

Merits:
Argued by Jonathan P. Milberg for appellant and by Jonathan J. Kline, Deputy Attorney General, for respondent via video conference. Cause submitted.

B203345 People
 v.
 Kennedy

Merits:
Argued by Sharon M. Jones for appellant and by Jaime L. Fuster, Deputy Attorney General, for respondent via video conference. Cause submitted.

B208075 People
 v.
 Rimmer

Merits:
Argued by Robert Peterson for appellant and by A. Scott Hayward, Deputy Attorney General, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B200996 People
 v.
 Cook

Merits:
Argued by Wayne C. Tobin for appellant and by Susan Sullivan Pithey, Deputy Attorney General, for respondent via video conference. Cause submitted.

Perren, J. left the bench.

DIVISION SIX (continued)

Yegan, J. returned to the bench.

B201514 In re Brown on Habeas Corpus

Order to Show Cause:

Presented by Monica Knox, Assistant Federal Defender, for petitioner and
by Kathleen R. Frey, Deputy Attorney General, for respondent. Cause
submitted.

Court adjourned.

DIVISION SEVEN

B212064 Justine H.

v.

Superior Court, Los Angeles County

(Los Angeles County Dept. of Children & Family Services, r.p.i.)

The petition is dismissed.

Jackson, J.

We concur: Perluss, P.J.

Woods, J.

DIVISION EIGHT

B206051 People

(Not for Publication)

v.

E.C.

The order is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.

O'Neill, J. (Assigned)

February 10, 2009 (Continued)

DIVISION EIGHT (continued)

B204556 People (Not for Publication)
v.
Youseff

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
Flier, J.

B210085 People (Not for Publication)
v.
Place

The judgment is affirmed. The trial court is directed to correct the abstract of judgment by removing the notation indicating the imposition of a \$36 fine under Penal Code section 1202.5. A certified copy of the corrected abstract of judgment is then to be forwarded to the Department of Corrections.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

B203144 People
v.
Rodriguez

Filed order denying petition for rehearing.